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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,194	12/31/2003	Garrett R. Goldfield	6034-04500	2548
<div>7590      05/18/2007</div> <div>Robert C. Kowert Meyertons, Hood, Kivlin, Kowert &amp; Goetzel, P.C. P.O. Box 398 Austin, TX 78767-0398</div>				
			EXAMINER DAM, KIM LYNN	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/751,194	Applicant(s) GOLDFIELD ET AL.	
	Examiner Kim-Lynn Dam	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12/21/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the application filed on 12/31/03.
2. Claims 1-27 have been examined and are pending.
3. Claims 1, 11, 21 and 26 are independent.

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not include the inventor's signature, or the inventor's signature is in the wrong place.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11-20 are non-statutory because they fail to provide a useful, concrete, and tangible result. Regarding claim 11, it merely calls for selecting help information, and determining a presentation mode. It is not whether the steps taken to achieve a particular result are useful, tangible, and concrete, but rather on whether the final result achieved by the claimed invention is "useful, tangible,

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and concrete.” Furthermore “If the specification discloses a practical application of section 101 judicial exception, but the claim is broader than the disclose such that it does not require a practical application, then the claim must be rejected” –See MPEP 2106 (IV)(C).

Claims 12-20 do not remedy the deficiencies as noted above, therefore are also rejected under the same rationale.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 17 recite the limitation "the display presentation mode". There is insufficient antecedent basis for this limitation in the claim since claims 7 and 17 recite "a display mode". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinlaender (US 2002/0015056 A1) in view of Garber et al. (USPN 4,905,163).

Regarding claim 1, Weinlaender disclosed a computer-implemented method of providing help information for a software application comprising:

selecting help information for presentation to a user based on a user help knowledge base including help information previously selected by a user (Page 1, paragraph [0009]; Page 2, [0013]);

Weinlaender did not specifically disclose:

determining a presentation mode of the selected help information based on a presentation mode of help information previously selected by the user;

and presenting the selected help information according to the determined presentation mode.

However, Garber disclosed multiple information presentation modes, monitoring user's responses and determining that a user often requests information in a visual form and presenting information initially in a visual form to match the user's typical preferences (Column 7, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 2, the rejection of claim 1 is incorporated and further Weinlaender disclosed tracking the help information previously selected by the user in a user help

profile of the user help knowledge base (Page 1, paragraph [0007], lines 8-15; Page 2, paragraph [0013]; (where "user help profile data set" is user help profile)).

Regarding claim 3, the rejection of claim 2 is incorporated and further Weinlaender disclosed wherein the user help knowledge base comprises a user application profile (Page 1, paragraph [0007], lines 3-8; (where "user profile data set" is application profile)).

Regarding claim 4, the rejection of claim 1 is incorporated and further Weinlaender disclosed prioritizing the selected help information for presentation based on the user help knowledge base (Page 1, paragraph [0009]; Page 3, paragraphs [0026]-[00027]).

Regarding claim 5, the rejection of claim 1 is incorporated and further Weinlaender does not expressly teach wherein the user help knowledge base further comprises selecting help information for presentation from third-party service providers based on the user help knowledge base. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Weinlaender, because Weinlaender disclosed a help system used in computer networks including those based on communication via the internet (Page 4, paragraph [0039]. The skilled artisan knows that computer networks based on communication via the Internet would allow for help presentation from third-party service providers to be selected.

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Regarding claim 6, the rejection of claim 1 is incorporated and further Weinlaender does not specifically disclose wherein the presentation mode of the help information comprises a presentation mode. However, Garber disclosed multiple information presentation modes (Column 7, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 7, the rejection of claim 6 is incorporated and further Garber disclosed wherein the presentation mode comprises a visual mode (Column 7, lines 27-34).

Regarding claim 8, the rejection of claim 7 is incorporated and further Garber disclosed wherein the display presentation mode comprises a graphical form (Column 7, lines 27-34).

Regarding claim 9, the rejection of claim 1 is incorporated and further Weinlaender disclosed maintaining the user help knowledge base (Page 2, paragraphs [0013] and [0023] where user interactions are dynamically recorded).

Regarding claim 10, the rejection of claim 9 is incorporated and further Weinlaender disclosed wherein maintaining the user help knowledge base further comprises:

responsive to a user selection of a help information file, creating a data entry for the selection, the data entry including the following data (Page 2, paragraphs [0013] and [0021-0023] where user interactions are dynamically recorded): the application context in which the help file is selected, an identifier of the help file selected, at least one help topic associated with the help file (Page 1, paragraph [0009-0010], (help data topics); Page 2, paragraphs [0013] and [0021-0023]. Weinlaender did not specifically disclose the data entry including a presentation mode in which the help file was presented, and a help content format of the file. However Garber disclosed monitoring a user's responses and determining presentation modes that users often request using a User Modeling systems that examines an individual's user history. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 11, Weinlaender disclosed a computer-implemented system of providing help information for a software application comprising:  
selecting help information for presentation to a user based on a user help knowledge base and a current application context (Page 1, paragraph [0009]; Page 2, [0013]). Weinlaender did not specifically disclose determining a presentation mode of the help information based on the user help knowledge base. However, Garber disclosed determining a presentation mode of information based on an individual's user history,



and context (Column 7, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claims 12-17, 19 and 20, the limitations of the claims are similar to those of claims 2-7, 9 and 10 therefore they are rejected under the same rationale as applied above.

Regarding claim 18, the rejection of claim 17 is incorporated and further Weinlaender disclosed wherein the display presentation mode is a hypertext link (Figure 3; Page 3, paragraph [0026], lines 9-15).

Regarding claim 21, Weinlaender disclosed a system of providing help information for a software application comprising:

- a processor for executing software (Figure 1; element 4);
- a memory accessible to the processor storing a user help knowledge base, a software application context, and a database of help files (Figure 2, element 5);
- an input device communicatively coupled to the processor to receive user input (Figure 2, element 3); and

an output device communicatively coupled to the processor for presenting data (Figure 2, element 6);

wherein the software comprises:

a help module for selecting help information for presentation to a user based on the user knowledge base (Figure 2, element 120);

an application module communicatively coupled to the help module wherein the application module and help module exchange user data (Figure 2, element 1a); and

a user interface module communicatively coupled to the help module for receiving user input from the user input device, sending user input data to the help module and for formatting help information from the help module in a mode of presentation for presenting by the output device (Figure 2).

Regarding claims 22, 23, and 24, the limitations of the claims are similar to those of claims 12, 20 and 13, respectively; therefore they are rejected under the same rationale as applied above.

Regarding claim 25, the rejection of claim 11 is incorporated and further Weinlaender does not expressly teach wherein the processor further comprises a network interface and the help module further comprises a communication interface to a server for a third party service provider wherein the help module requests information from the third party server and receives the information through the communication interface. However, this limitation would have been obvious to one of ordinary skill in the art at the time the

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invention was made in view of Weinlaender, because Weinlaender disclosed a help system used in computer networks including those based on communication via the internet (Page 4, paragraph [0039]. The skilled artisan knows that computer networks based on communication via the Internet (third party server) require a communication interface that would allow for the help module to request and receive information.

Regarding claim 26, Weinlaender disclosed a computer-implemented method of providing help information for a software application comprising: selecting help information for presentation to a user based on help information previously selected by a user (Page 1, paragraph [0009]; Page 2, [0013]).

Weinlaender did not specifically disclose determining a presentation mode of the selected help information based on a presentation mode of help information previously selected by the user; and presenting the selected help information according to the determined presentation mode. However, Garber disclosed multiple information presentation modes, monitoring user's responses and determining that a user often requests information in a visual form and presenting information initially in a visual form to match the user's typical preferences (Column 7, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

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Regarding claim 27, the rejection of claim 26 is incorporated and further Weinlaender disclosed tracking the help information previously selected by the user in a user help profile (Page 1, paragraph [0007], lines 8-15; Page 2, paragraph [0013]; (where "user help profile data set" is user help profile)).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,964,007

US 7,194,685

US 6,300,950

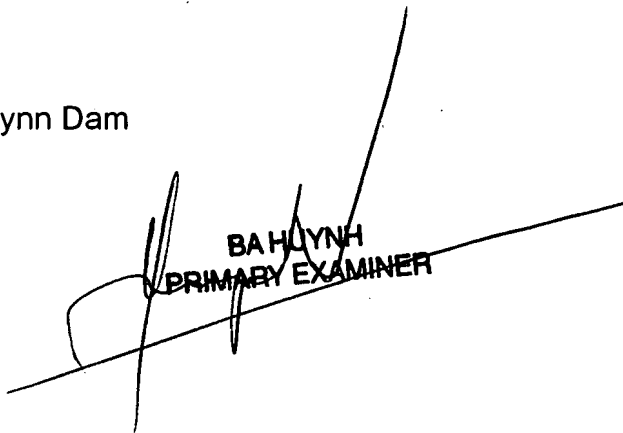
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim-Lynn Dam whose telephone number is (571) 270-1408. The examiner can normally be reached on M-TH 8:00-5:30, every other Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kim-Lynn Dam

  
BA HUYNH  
PRIMARY EXAMINER